

REMARKS

Applicant acknowledges a two-way restriction requirement between packaging bag claims and method of manufacturing a packaging bag claims and applicant's election with traverse of the former. Applicant acknowledges also the filing of a Confirmation of Telephone Election on April 27, 2005 and continues to maintain that the subjects matter of the article and method of manufacturing claims are sufficiently related to warrant examination of all claims in this case. The withdrawal of method claims 8 to 21 is noted.

Claim 1 has been amended better to point out that which applicant regards as his invention; more particularly, the independent claim specifies that (a) the framework member has a substantially open bottom in the expanded state, (b) the member extends over substantially entire height of the main bag body in the expanded state, and (c) the framework member is kept in the state as shifted. These aspects of the invention are clearly shown in Figs. 2 to 6, and the related disclosure in the specification. Representative portions of the specification that support the additions to the claim include page 14, line 15 to page 15, line 5; page 20, line 25, to page 22, line 4; page 30, line 8, to page 31, line 12; page 38, line 9, to page 39, line 16; page 42, line 21, to page 43, line 15; page 46, line 8,

to page 47, line one; and Fig. 22. Minor self-evident changes have been made in claims 4 to 6.

The rejection of claims 1 and 3 under 35 USC 102 as anticipated by Blomqvist '918, if applied to the claims as amended, is respectfully traversed. The intermediate Kraft paper (sheet 5 of Blomqvist '918), said to correspond to the framework member of the packaging bag of the present invention, has a closed bottom; see column 2, lines 4 to 13. That intermediate Kraft paper sheet is to provide a strength sufficient to withstand a heavy load on the bottom and the two opposite sides of the bag.

Claim 1 of the application now states that the framework member has a substantially open bottom in the expanded state, which gives sufficient strength to the sidewalls of the bag to improve its ability to self-stand, but there is no increase in the strength in the bottom of the bag. Thus, the claimed subject matter patentably distinguishes over the disclosure in Blomqvist '918. Accordingly, the rejection should be withdrawn.

The rejection of Claims 1 to 5 under 35 USC 102 as anticipated by JP '651, if applied to the claims as amended, is respectfully traversed. The Examiner deems a fusion material in the reference to correspond to the framework member of the

present invention. In JP '651, a portion of a plastic film for forming a pleat of a bag is laminated or applied with the fusion material over the entire outer surface thereof, or on a part of the outer surface thereof; see reference claim 1. JP '651 at page 2, lower left-hand column, line 6, contains a statement that the pleats form the bottom of the bag as a finished product. The fusion material has a closed bottom and provides strength sufficient to permit a heavy load on the bottom of the bag.

As indicated above, the claimed bag of the instant invention has a substantially open bottom in the expanded state. As such, the claims patentably define over JP '651 for the same reason that claims 1 and 3 patentably define over Blomquvist '918. The rejection should be withdrawn.

The rejection of claims 1, 3, 6, and 7 as now amended under 35 USC 102 as anticipated by Hammond, et al. '896 is also respectfully traversed. Stay 40 in the bag of the reference is said to correspond to the instantly claimed framework member. The patentee describes stay 40 located in throat area 42 of a pouch 10, and attached to the inner surface of 12 and 14 by using, e.g. heat and pressure; see column 5, lines 42 to 47. Stay 40 is a continuous, resilient, extensible loop; see patent claim 1. Pouch 10 assumes a generally flat configuration after

the pouch has been formed, filled, and sealed (see column 7, lines 15 to 17) so that stay 40 is kept in a generally flat, collapsed state. After the top portion of the pouch is removed, stay 40 expands outwardly towards its unstressed configuration, a circular shape. Stay 40 has a memory characteristic to return the stay to its original unstressed configuration after having been deformed to a stressed configuration, and the deforming force has been removed.

Instant claim 1, in contrast, calls for a framework member that extends only substantially the entire height of the main bag body in the expanded state, and is kept in that state as shifted. The claims therefore patentably define over this reference.

The Examiner is thanked for acknowledging receipt of the certified copy of the priority document, and for listing references provided in Information Disclosure Statements.

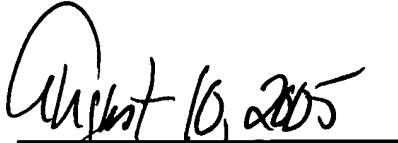
In view of the foregoing revisions and remarks, it is respectfully submitted that claims 1 to 7 are in condition for allowance and a USPTO paper to those ends is earnestly solicited. Should the case be in condition for allowance but for the presence of non-elected claims 8 to 21, the Examiner is authorized to cancel those claims for that express purpose.

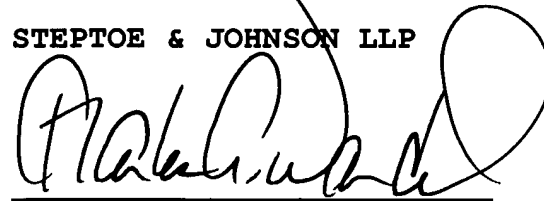
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The Examiner is requested to contact the undersigned should any other change be required in the case.

Respectfully submitted,

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Date


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